

TOWN OF BUCKEYE
REGULAR COUNCIL MEETING MINUTES
APRIL 20, 2004

Roll Call

Mayor Hull, who led the pledge of allegiance, called the meeting to order at 7:00 p.m.

Members Present: Mayor Hull, Vice Mayor Newberry, Councilman Meck, Councilwoman Charman, and Councilman Urwiller.
Councilwoman Weir arrived at 7:04 p.m.
Councilman Doster arrived at 7:38 p.m.

Staff Present: Joe Blanton, Scott Ruby, Linda Garrison, Mary Saiz, Jeanine Guy, Alicia Griffin, Mike Carey, Terry Glenn, Larry Harmer, Woody Scoutten.

2. Comments from the Public

Glo O'Donnell, representing the Southwest Lending Closet, Inc. of Avondale, AZ, invited the Council and staff to attend the Open House on May 1st from 2:00 p.m. to 4:00 p.m.

Alfred Smith, 30439 W. Dixilta, Wittmann, AZ, requested that the potholes be fixed in the Town's portion of Patton Road.

Consent Agenda: All items with an (*) are considered to be routine and will be enacted by one motion of the Council. Agenda items *3, *4, and *5 were on the consent agenda. Moved by Vice Mayor Newberry, seconded by Councilman Urwiller to approved items *3, *4 and *5 on the consent agenda. The motion passed unanimously.

(*3.) Approved the minutes of the April 6, 2004 Council workshop and regular Council meeting as presented.

(*4.) Approved the invoices due by the Town for payment.

(*5.) Approved a Special Events Liquor License request by the Buckeye Rotary Club in connection with a fundraiser to be held at the Hellzapoppin Rodeo Grounds on May 8th from 5:00 p.m. to 11:00 p.m.

Non Consent Agenda

New Business

6A. Ordinance 22-04 Rezoning – Nardini Manor RZ04-125

Ordinance 22-04 was a request by Tana Wrublik, owner of Nardini Manor, for the rezoning of approximately 5.5 acres located at the southeast corner of Jackrabbit Trail and the BWCDD Canal from Planned Residential to Commercial Center. This request would be in conjunction with a Minor General Plan Amendment to amend the Town's Land Use District Map from PR to CC. Staff and the Development Board recommended approval. Moved by Councilman Meck, seconded by Councilwoman Weir to adopt Ordinance 22-04 rezoning approximately 5.5 acres located at the southeast corner of Jackrabbit Trail and the BWCDD Canal from Planned Residential to Commercial Center and read by title only. The motion passed unanimously.

6B. Ordinance 23-04 Annexation - Hagenmaier A04-03

Matthew Johnson of Quadex Development Partners on behalf of Ernest Hagenmaier requested annexation of 15.5 acres located 1,260 feet east of Palo Verde Road and I-10. Mayor Hull asked if there were any structures on the property and was told that there are none. Moved by Councilwoman Weir, seconded by Councilman Meck to adopt Ordinance 23-04 increasing the corporate limits of the Town of Buckeye and read by title only. The motion passed unanimously.

6C. Ordinance 24-04 Rezoning – Hagenmaier RZ04-58

Matthew Johnson of Quadex Development Partners on behalf of Ernest Hagenmaier requested rezoning of approximately 15.5 acres from R-43 (Maricopa County) to GC (Town of Buckeye). Moved by Councilwoman Weir, seconded by Councilman Meck to adopt Ordinance 24-04 rezoning approximately 15.5 acres from R-43 (Maricopa County) to GC (Town of Buckeye) and read by title only. The motion passed unanimously.

6D. Sundance Development Conveyance and Acceptance Agreement, Sundance Fire Station

Staff reported that this agreement is for the conveyance of the 2 acres of land for the Fire Station as agreed to in the Sundance Development Agreement. Councilman Meck questioned Scott Ruby, Town Attorney, regarding certain specific items in the agreement. After some discussion, moved by Vice Mayor Newberry, seconded by Councilwoman Charman to approve the Sundance Development Conveyance and Acceptance Agreement for the Sundance Fire Station. The motion passed unanimously.

6E. IGA Maricopa County/Town of Buckeye Cooperative Use of Fuel

Council was asked to consider an Intergovernmental Agreement between Maricopa County and the Town for the purchase of fuel from the County's Transportation Service Facility at 26449 W. Highway 85, Buckeye, Arizona. Moved by Vice Mayor Newberry, seconded by Councilwoman Weir to approve the Intergovernmental Agreement between Maricopa County and the Town of Buckeye for the purchase of fuel for the Town's fleet. The motion passed unanimously.

6F. Resolution 14-04 Amending Resolution 07-04 State Historic Preservation

Staff reported that the resolution adopted on March 16, 2004 did not have a specific Town match written into the Resolution. State Historic Preservation requires that this match amount be included in the resolution, therefore Resolution 14-04 amending Resolution 07-04 by adding the Town's match of \$87,663.50 to the resolution. Moved by Councilman Urwiller, seconded by Councilwoman Charman to adopt Resolution 14-04 amending Resolution 07-04 and read by title only. The motion passed unanimously.

6G. Resolution 15-04 Abandonment of a Portion of a Twenty Foot Storm Drain Easement – Verrado

Brian Marshall of Biskind, Hunt and Taylor was present to answer any questions regarding the abandonment. This abandonment has been reviewed by staff and the Town Engineer and they have no objections with the abandonment. Moved by Councilman Urwiller, seconded by Councilwoman Charman to approve Resolution 15-04 approving the abandonment of a portion of a twenty-foot storm drain easement located in the vicinity of Verrado Way North, in a portion of Section 19, Township 2 North, Range 2 West of the Gila and Salt River Meridian, Maricopa County, Arizona and read by title only. The motion passed unanimously.

6H. Resolution 16-04 Abandonment of Right-of-Way – Verrado

Brian Marshall of Biskind, Hunt and Taylor was present to answer any questions regarding the abandonment. This abandonment has been reviewed by staff and the Town Engineer and they have no objections with the abandonment. Moved by Councilman Urwiller, seconded by Councilwoman Charman to adopt Resolution 16-04 approving the abandonment of Right-of-Way located at Verrado Way, in a portion of Section 31, Township 2 North, Range 2 West of the Gila and Salt River Meridian, Maricopa County, Arizona and read by title only. The motion passed unanimously.

6I. Ordinance 15-04 Approving the Community Master Plan and Development Agreement

This JKL Partners and White Tank 140, L.L.C. requested approval of a Community Master Plan and proposed Development Agreement for the 444 acre development currently known as Tesota Hills located at

the northeast corner of McDowell Road and Dean Road alignments. Staff and the Development Board recommend approval subject to the stipulations as noted in Exhibit C which lists the differences between the Master Plan and the Development Code. Representatives from CMX were present to answer any questions. Councilman Meck questioned Item M and O in the stipulations for clarification. Vice Mayor Newberry requested land be set aside up front for a fire station. After some discussion, moved by Councilman Urwiller, seconded by Councilwoman Charman to adopt Ordinance 15-04 approving the Community Master Plan for the development currently known as Tesota Hills, a Master Planned Community by JKL Partners and White Tank 140, L.L.C., for development of approximately 444 acres approving a development agreement related thereto and authorizing execution of such development agreement and read by title only. The motion passed unanimously.

6I. Resolution 17-04 Amending Fees and Charges for Services in Connection with Fire Plan Review, Fire Permit, Testing and Other Miscellaneous Services

Terry Glenn, Fire Marshall, presented proposed fees and charges for services rendered in connection with fire plan review, fire permits, testing and other miscellaneous services relating to building and life safety issues that are enforced through the 1997 Uniform Fire Code. Mr. Glenn stated that the rates were composed from rates used by the City of Phoenix and other municipalities in the area (rates are available on municipalities web sites). Councilman Meck felt that not enough public input has been given to the establishment of the fees and that perhaps a public hearing should be held prior to Council decision. Emily McLean, representing D M Oil and Tire Co. stated that she had heard that fees could reach as high as \$3,000 on her property.. Mr. Glenn stated that only the highest fee item would be charged. Also discussed was that there would be no charge for the first inspection to allow merchants to meet code. Moved by Councilman Meck, seconded by Councilman Urwiller to table this item for 30 days. The motion passed, Mayor Hull, Councilman Meck, Councilwoman Charman, Councilwoman Weir, Councilman Doster, and Councilman Urwiller, voting "Aye", Vice Mayor Newberry voting "No".

6K. FY 2004/2005 Budget Calendar

Staff reported that the current budget calendar presented to the Council earlier was very aggressive and should be adjusted to accommodate the Council's schedule. Mayor Hull concurred that touring the Town facilities would be a good idea. Moved by Councilman Meck, seconded by Councilman Doster to defer to staff to set the dates. The motion passed unanimously.

6L. Maricopa County Human Services Request

Maricopa County Human Services Department, Special Transportation Services (STS) requested \$3,620 for approximately 400 additional trips for medial, dialysis, social service, shopping, recreational, adult day care and educational trips to get through the remainder of the fiscal year. Moved by Vice Mayor Newberry, seconded by Councilwoman Weir to approve the request of \$3,620 for approximately 400 additional trips. The motion passed unanimously.

6M. Airport Consulting Services Contract

Staff recommended approving an Airport Consulting Services Contract to Coffman Associates for the purpose of providing professional airport consulting services for a full range of aviation development needs, including, but not limited to airport master planning in an annual fee not to exceed \$25,000 and is exclusive of any FAA or ADOT grant funds. Moved by Councilman Meck, seconded by Councilwoman Weir to approve an Airport Consulting Service Contract with Coffman Associates for an annual fee not to exceed \$25,000 and exclusive of any FAA and ADOT Grant funds. The motion passed unanimously.

6N. Development Board Appointment – Alternate

Staff has received a request from Dave Rioux to be considered for one of the two the vacant alternate position on the Development Board. Moved by Vice Mayor Newberry, seconded by Councilman Urwiller to appoint Dave Rioux to the Development Board as an Alternate. The motion passed unanimously.

6O. Contract with Ellucore Corporation for Police Professional Services

Staff requested Council enter into a contract with Ellucore Corporation for professional services relating to upgrades and compliance requirements associated with the ACJIS and NCIC data base in an amount not to exceed \$15,104 and will be expended from the Police department line item 10-60-698. Moved by Councilman Meck, seconded by Vice Mayor Newberry to approve the contract with Ellucore for Police Professional Services in an amount not to exceed \$15,104 and will be expended from the Police Department line item 10-60-698. The motion passed unanimously.

6P. Map of Dedication – Tartesso Master Planned Community

Stardust Development requested Council approval for a Map of Dedication for Tartesso Master Planned Community generally located at the southwest corner of the Sun Valley Parkway and Indian School Road. Moved by Councilman Meck, seconded by Councilwoman Charman to approve the Map of Dedication for Tartesso Master Planned Community. The motion passed unanimously.

7. Town Manager's Report

The Town Manager reported that there had been a carnival and parade over the past weekend that had not gone before the Council as a Special Event. He stated that Mr. Townzen had not requested the Special Event from the Town but assured that he would in the future.

Mayor Hull asked the Town Manager about an auditor he had seen in the office a couple of months ago and wondered when the Town was going to see a report on the audit. The Town Manager responded that he was at a conference when the auditor arrived and had not seen him since and deferred to the Finance Director. Ms. Saiz stated the I.R.S. auditor is out of town most of the time and still has questions that she is trying to answer. He has not presented any written findings at this time. There are some problems with the Town's W-4's and 1099 procedures.

8. Comments from the Mayor and Council

Councilman Meck asked about the following items:

- Does the Town have a signed deed for the 65 acres?
- Status of the impact fee study.
- Asked staff if building permits were getting issued in a timely manner?
- Status of the vacant planner positions?

Councilman Urwiller commented that there should be some changes to the downtown area businesses in the near future.

Mayor Hull stated that there will be a Sundance CFD meeting immediately following this meeting.

Adjournment

There being no further business to come before the Council, moved by Vice Mayor Newberry, seconded by Councilwoman Weir to adjourn (8:39 p.m.). The motion passed unanimously.

Dustin Hull, Mayor

ATTEST:

Linda Garrison, Town Clerk

I hereby certify that the foregoing minutes are a true and correct copy of the Council meeting held on the 20th day of April 2004. I further certify that the meeting was duly called and that a quorum was present.

Linda Garrison, Town Clerk